

Coordination and Collaboration by and Among American Indian Tribes

***Findings from the Study of the Implementation
of the Promoting Safe and Stable Families
(PSSF) Program by American Indian Tribes***

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A. Summary

In September 2001, the Administration for Children and Families, U.S. Department of Health and Human Services (ACF, HHS) awarded a contract to James Bell Associates, Inc. (JBA) of Arlington, Virginia to study the implementation of the Promoting Safe and Stable Families (PSSF) program by American Indian Tribes.¹ JBA undertook the study in collaboration with Three Feathers Associates of Norman, Oklahoma and Dr. Eddie Brown, Director of the Kathryn M. Buder Center for American Indian Studies at Washington University, St. Louis, Missouri, along with his colleague, Dr. Gordon Limb.² The project also benefited from the input of a technical work group of nationally recognized experts, policymakers and researchers within the field of Indian child welfare (a listing of members is attached).

The purpose of the study was to examine the ways in which American Indian tribes used funds they received under title IV-B, subpart 2 of the Social Security Act³ to provide services that strengthen families' abilities to care for their children. Within this context, the study examined a full range of implementation issues—planning; accomplishments and changes; organization and infrastructure; related child welfare and human services and practices; and resource uses and allocations—over time and across various stakeholders.

Information for the study came from two sources. First, from information abstracted from the FY95 and FY00 Child and Family Services Plans tribes submitted along with budgetary information,⁴ and second, from visits to 12 sites⁵ for more in-depth analysis of implementation.⁶

¹ For this study, American Indian tribes are inclusive of all federally recognized Indian tribes and Alaskan Native tribes/corporations.

² For ACF, JBA conducted a similar study of state implementation of this program (JBA, Family Preservation and Family Support (FP/FS) Services Implementation Study Final Report. April 30, 2003).

³ Established by the Omnibus Reconciliation Act of 1993 (42 U.S.C. 620-628) as the Family Preservation and Family Support (FP/FS) Services Program, and reauthorized by the Adoption and Safe Families Act (ASFA) of 1997 as the Promoting Safe and Stable Families (PSSF) Program.

⁴ See James Bell Associates, Inc., Implementation of Promoting Safe and Stable Families by Indian Tribes, Review of the 1995 and 2000 Child and Family Services Plans. March 11, 2003.

⁵ Case study sites are the: Hopi Tribe; Indian Child & Family Services of Temecula, CA; Kiowa Tribe; Menominee Tribe; Mississippi Band of Choctaw; Navajo Nation; Oglala Sioux; Omaha Tribe; Pueblo of Isleta; Quinault Indian Nation; St. Regis Mohawk Tribe; and Tanana Chiefs Conference, Inc., Alaska.

⁶ See James Bell Associates, Inc., Implementation of Promoting Safe and Stable Families by American Indian Tribes, Final Report. February 27, 2004.

Two special issue papers were produced highlighting findings obtained from the case study sites. This issue paper highlights collaborative arrangements to provide services. The other issue paper highlights resources and strategies used by tribes to fund child welfare services. These papers supplement the individual case studies and reports produced under this project.

B. Background

Two concepts—“tribal sovereignty” and “federal trust responsibility”—are particularly important to understand collaboration within Indian child welfare. Together, these concepts provide the legal and philosophical framework for understanding jurisdictional issues between tribes, the federal government and states.

1. Concepts Governing Intergovernmental Relations

The concept of “tribal sovereignty” refers to the fact that tribes are independent, sovereign nations. As sovereign nations, each Indian tribe has considerable rights and powers regarding the health, safety and welfare of tribal citizens under its jurisdiction. Tribal sovereignty rests upon maintaining a secure and sacred land base that provides the basis for tribes’ economic sustainability, self-governance and cultural preservation. Sovereignty grants federally recognized American Indian tribes inherent power to:

- Govern themselves;
- Protect the health, safety and welfare of tribal citizens; and
- Organize distinct political entities to represent political, social and economic interests.

Although tribal sovereignty manifests itself in several ways, the clearest manifestation is the formation of tribal governments, which provide tribes with a means to negotiate with the federal government on a government-to-government basis. The federal government recognizes the legitimacy of tribal governments and their jurisdiction over tribal members residing on tribal lands. Within the context of child welfare, tribes can exercise jurisdiction over child abuse and neglect investigations as well as child placement decisions. Additionally, tribes can provide oversight of decisions regarding placement and adoption through tribal courts and state courts.

The concept of “federal trust responsibility” refers to the guardian/ward relationship established between the federal government and American Indian tribes. Beginning in the early 19th century, this concept began to encompass the federal government’s obligation and legal commitment to:

- Protect Indian trust lands, assets and resources;
- Protect tribal self-governance; and
- Provide basic social, health and educational services to tribal members.

This concept reinforces the federal government’s responsibilities with respect to helping tribes meet their social service needs. The Bureau of Indian Affairs, Department of the Interior (DOI, BIA) and the Indian Health Service (IHS, HHS) were established as the primary agencies

to provide both direct services and funding to tribes for health and social services. For this reason, the primary sources of child welfare funding upon which tribes rely are those administered by the BIA, in contrast to states that primarily rely upon HHS administered funding for these services.

2. Federal Statutes Codifying these Concepts

Over the years, these two important concepts were codified in treaties, federal laws, executive orders, statutes and judicial opinions. However, federal policy interpretation has varied and a sometimes-inconsistent policy infrastructure emerged. As a result, jurisdiction over tribal child welfare services delivery varies widely from tribe-to-tribe and state-to-state. For instance:

- **Procedural requirements for American Indian and Alaskan Native children in state custody:** Through the Indian Child Welfare Act of 1978 (ICWA), tribes are allowed exclusive jurisdiction in all custody matters involving an Indian child living on the reservation, and dual jurisdiction for those living off the reservation. ICWA established procedures governing tribal notification, removal of Indian children from the home, providing culturally appropriate placements, record-keeping and other requirements. However, due to many factors, these requirements continue to be inconsistently implemented. Individual tribes' abilities to ensure states and localities adhere to ICWA provisions vary, and states and localities vary with respect to complying with ICWA requirements.⁷ ICWA specified that funding be made available annually to tribes to provide culturally appropriate child welfare services.
- **Child welfare service and court jurisdiction:** Public Law 83-280 (commonly referred to as PL 280), was enacted in 1953 during a time period in which federal policy focused on terminating federally recognized tribes and assimilating members into dominant society. For the tribes located in several states (commonly referred to as "280 states"), PL 280 transferred legal authority (or trust responsibility) from the federal government to the states.⁸ Tribes located in these PL 280 states are generally dependent on county and state governments to provide investigation, foster care placement and adoption services. Additionally, because BIA generally does not provide funding to establish tribal courts in PL 280 states, these courts are either few or non-existent in these states.⁹ Thus, PL 280 limited funding for culturally appropriate services and courts, while also heightening tribes' emphasis on

⁷ Brown, Eddie F., Gordon E. Limb, Ric Munoz and Chey Clifford, Title IV-B Child and Family Service Plans: An Evaluation of Specific Measures Taken by States to Comply with the Indian Child Welfare Act. Casey Family Programs and Washington University, St. Louis, MO. December 2001.

⁸ Today, there are 16 such states.

⁹ University of Oklahoma Health Sciences Center. March 2000. "Public Law 280: Issues and Concerns for Victims of Crime in Indian Country." Prepared for the Office of Victims of Crime, U.S. Department of Justice.

monitoring the needs of children in state custody to ensure that ICWA requirements are met.¹⁰

- **Tribal determination of social service needs and ability to provide services directly:** The Indian Self-Determination and Education Assistance Act (ISDEA) of 1975 (PL 93-638), granted qualifying tribes and tribal organizations the authority to directly administer federal programs on the reservation, subject to BIA oversight. Through ISDEA, tribes were able to deliver a broad range of education, health and human services, directly or through contracted services arrangements. This included child welfare and social services, which traditionally were delivered by BIA and IHS staff, allowing tribes to assume a greater role in service planning and delivery. However, tribes differ with respect to having the necessary infrastructure to assume this responsibility.

As a result of these factors, child welfare services delivery and funding varied widely among the case study sites.

C. Collaborative Practices and Barriers

Within a tribal social services setting, much collaboration occurs on a daily basis, as informal networks within tribes are used to provide assistance to families and children. Contextually, this was an underlying strength of tribes on which more formalized coordination and collaboration can be build. This paper focuses on promising practices through which agencies sought to establish formalized interagency and inter-tribal working relationships. Examples range from developing centralized intake and assessment, to establishing protocols for cross-referring clients between programs and cross-training staff, and to jointly providing services by sharing resources or co-locating staff.¹¹

Among the tribes visited, it was evident that most tribes were relatively small, and had limited resources to dedicate to these efforts and limited knowledge on how they should be planned and carried out. Many of the collaborative efforts were relatively modest as barriers to achieving formalized relationships were considerable. Nevertheless, those interviewed on-site also noted that these same challenges sometimes were the motivating factor for improving service delivery to Indian children and families, including coordinating service delivery and entering into collaborative arrangements. The remainder of this paper addresses the following questions:

- *What are common challenges and motivations to collaboration?*
- *How do tribes coordinate internal efforts?*
- *How do tribes collaborate with each other?*
- *How do tribes collaborate with external entities?*

¹⁰ Mannes, Marc, "Seeking the Balance between Child Protection and Family Preservation in Indian Child Welfare." Child Welfare, 72, 1993.

¹¹ Individual case studies of each site are found in Volume II of the study's final report (James Bell Associates, Inc., Implementation of Promoting Safe and Stable Families by American Indian Tribes, Final Report. February 27, 2004).

1. What are common challenges and motivations to collaboration?

Tribes noted the following issues complicated child welfare service delivery. Although these presented ongoing challenges for coordination and collaboration, in certain instances they also motivated tribes to undertake formalized collaborative efforts to improve service delivery:

- **Dependence on external child welfare services:** As noted earlier, as a result of federal policy and historical circumstances, the degree to which individual tribes rely upon externally-provided child welfare services varies. The need to interact with external social services agencies and courts (as opposed to agencies and courts internal to the tribe), created challenges for service delivery, yet it also necessitated that tribes interact with external entities, sometimes leading to formalized collaborative efforts. The overriding child welfare concern among all tribes visited for this study was ensuring ongoing state compliance with ICWA requirements concerning Indian children in state custody. ICWA provided funding to tribes for staff to fulfill these functions, further heightening tribes' emphasis on monitoring out-of-home placements for children in state custody and identifying tribal placement resources for them.¹²
- **Cultural differences between tribes and external entities:** Although a reliance on externally-provided services causes tribal social services caseworkers and administrators to interact with county and state child welfare agencies and courts on an ongoing basis, collaborating with external entities requires bridging substantial cultural differences. Concepts such as designation of the "natural" family and terminating parental rights carry many negative historical connotations and are widely considered by many tribes to be contrary to tradition and clan kinship care systems. Tribes frequently used their ICWA funding to provide training to county child welfare and court staff on the ICWA requirements and providing culturally-appropriate casework.
- **Complicated jurisdictional issues:** Within each case study site, the study team made efforts to understand jurisdictional issues with respect to investigation of abuse/neglect allegations and child placement decisions and processes. Case jurisdiction was found to vary by several factors, including where the family lived and where the alleged abuse/neglect incident occurred (e.g., on or off-reservation), and the case goal (e.g., reunification vs. adoption). Often county child welfare agencies assumed jurisdiction for investigation and child placement for families living off-reservation. However, once the child welfare agency moved to terminate the parental rights for a tribal child in state custody, the tribe often asserted its rights to move the child to tribal custody. Other entities involved with service delivery include staff from BIA and private foundations, such as Casey Family Services. Tribal and state or county courts are also involved with foster care and adoption cases. As a result, collaborative efforts might attempt to better-coordinate the efforts of the multiple agencies involved with a case, or they might focus on formalizing collaborative efforts on behalf of certain types of cases at critical junctures in service delivery when jurisdiction might shift.
- **Historical disenfranchisement of tribes:** When collaborating with external entities, historically tribes have often been at a disadvantage, dependent on others for services yet often able to offer little in return. ICWA helped change this imbalance by clearly specifying the obligations, rights and responsibilities of both tribes and external child

¹² Op cit.

welfare agencies and courts with respect to the investigation, removal and placement of tribal children. However, as noted earlier, these requirements continue to be inconsistently implemented by states and counties. Among the case study sites, we found evidence of county child welfare agencies and tribes striving to interact as equals and finding solutions that were acceptable to both. Yet we also observed states and localities that considered the rights and wishes of tribes to be almost inconsequential. Moreover, it was evident that these relationships evolved over time. For instance, we found the balance of power shifted as some tribes gained access to resources as a result of economic development or successful gaming ventures. We also found that coordination improved as the ICWA provisions simply gained acceptability among state administrators or court officials.

- **Inadequate number of staff to fulfill basic child welfare functions:** Tribes noted that on a daily basis, they struggle to simply complete the most pressing child welfare functions on a timely basis; for instance, meeting self-imposed timeframes for investigating cases of abuse/neglect. With tribal social services agencies struggling to fulfill these basic functions, staff time that can be devoted to planning and administering collaborative activities is limited. However, it is also notable that in the face of sometimes overwhelming needs, this same challenge also caused some tribes to reach out to collaborative partners to help provide services and support families falling under their purview.
- **Continuity of tribal social services administrative structure:** Nurturing successful collaborative arrangements requires time and continuity in leadership. Tribal social services directors generally emerged as the key individual responsible for managing budgets, programs, special initiatives and staffing assignments. Yet some tribes consider these to be cabinet positions, potentially subject to replacement each time an election of the tribal chair or council is held, a factor that can be further complicated by the term limits some tribes place on elected or appointed positions. As a result, efforts begun under one administration could falter as both leadership and program management and administration changed. We found that tribes that entered into successful collaborative efforts sought to ensure at least some degree of continuity in program administration.
- **Delivering needed services to families in isolated and autonomous villages:** Generally, reservations are characterized by vast distances and limited roads that isolate families and create significant challenges for service delivery. Additionally, within some tribes, villages act as semi-independent political units, meaning their leadership can assume de facto or even de jure jurisdiction over family disputes, including the resolution of child welfare cases and domestic violence incidents. Although a strong clan tradition can provide important, ongoing sources of support for tribal families, in combination with other factors, they can also limit families' access to formal services at a critical point in time when they might be needed the most. As a result, a number of tribes found it necessary to concentrate on coordinating services internally, reaching out to families and villages isolated from needed social services.

These issues played out differently within each of the case study sites, directly impacting the collaborative efforts undertaken. The remainder of this paper provides examples of promising models of coordination and collaboration undertaken in order to improve casework

practice as well as the quantity and quality of culturally-appropriate child welfare services available to tribal children and families.

2. *How do tribes coordinate internal efforts?*

As noted, in addition to undertaking collaborative efforts with other tribes and external entities, the sites visited also found it necessary to focus on internal coordination. Examples included the use of collaborative teams, coordinated screening and assessment activities, established processes for cross-referring clients between tribal programs, and outreach workers charged with bridging the gap between social services and isolated villages and families. Examples of each of these are discussed here.

a. Collaborative Teams

Among the study sites, several tribes developed collaborative working teams based on existing mechanisms such as tribal Multi-disciplinary Teams (MDTs) formed with the goal of coordinating activities associated with individual cases.¹³ Using this model as a starting point, several sites expanded the membership and/or scope of existing MDTs in order to provide a focus on ongoing service coordination and casework protocols. Others formed new, but parallel groups, with an expanded focus.

For instance, in order to improve service coordination to individual cases, the Mississippi Choctaw expanded their MDT beyond its traditional base. The group was expanded to include representatives from many entities within the tribe, including its law enforcement, department of social services, health center, department of behavioral health, and family victims unit. The team meets monthly and decides options available for each new case. Additionally, the sufficiency of services available on the reservation to resolve the crisis or problem is considered. If off-reservation services are needed, MDT can referral cases to these services and can access payment, when needed.

Similarly, the Pueblo of Isleta expanded its Community Protection Team (CPT) to include representatives from all tribal departments that assist the tribe's social services agency (Head Start, along with the tribe's police department, education department and behavioral health). Similar to the tribe's MDT, the CPT meets monthly to offer suggestions and recommendations to tribal social services with respect to specific child welfare cases. However, the group has also assumed a proactive role, devoting time to establishing consistent casework practices and understanding among those represented on the CPT. For instance, the group developed a memorandum of understanding governing how investigations should be coordinated between these entities.

Similarly, the Omaha Tribe formed a Child and Family Well-Being Team consisting of personnel from the tribal court (including juvenile probation) and its child protective services, in addition to other tribal programs that frequently provide services to child welfare cases. These

¹³ In recognition of the many entities involved with serious allegations of abuse/neglect involving tribal children, two types of teams were established by the Indian Child Protection and Family Violence Prevention Act of 1990 (P.L. 101-630). Child Protection Teams (CPTs) are responsible for developing a coordinated response to child abuse/neglect investigation, while Multi-disciplinary Teams (MDTs) focus on prosecution and criminal action with respect to serious allegations.

include an alcohol treatment program, a mental health clinic, a youth shelter, an independent living program, and the Four Hills of Life Wellness Center.¹⁴ One function of the team is to provide a forum where service professionals can discuss systemic issues and build consensus regarding coordinated protocols and interventions. The team coordinates efforts and resources across tribal child and family services programs in order to build a more systemic approach to service delivery.

A separate group, the Omaha Tribe's Community Response Team (ONCRT) provides a forum for more broad-based collaboration. The ONCRT is comprised of multiple tribal and community organizations within the tribe and provides input for programs dedicated to ensuring the health and well-being of tribal children and families. At present, the team consists of representatives from the Child and Family Well-Being Team as well as others including the tribe's health care center, schools, Head Start and day care programs, natural resources and housing. The team is responsible for identifying and brokering resources for prevention and intervention activities (e.g., applying for grants and identifying in-kind supports).

b. Coordinated Internal Screening and Assessment

A few of the tribes visited realized the importance of utilizing multi-disciplinary screening processes to ensure that families' needs were comprehensively assessed and that services were coordinated. Examples varied in scale.

For example, rather than developing their own assessment form, the Menominee Tribe's family preservation and support program made use of existing protocols for screening youth for substance abuse. Aware that specialized knowledge on this issue existed elsewhere in the tribe, the program entered into an agreement with the tribe's substance abuse treatment center whereby all family preservation staff are trained in administering the youth assessment protocol developed by the center.

Similarly, the Omaha Tribe's Head Start program has a number of interagency agreements in place with tribal service providers to ensure that a range of social services needs are identified. Examples include health concerns, such as diabetes and dental needs, as well as other concerns, such as possible child abuse and neglect. As part of the agreement, the tribal child protection services unit reviews trainings, policies, and protocols used by the Head Start program for identifying, and reporting, child abuse neglect allegations.

More sophisticated examples included centralized intake and assessment. For instance, within the Mississippi Choctaw, all cases within the tribe's department of family and community services are referred to the division of behavioral health for comprehensive, multi-disciplinary assessment.¹⁵ The tribe codified this practice in its tribal code. Once the assessment is completed, behavioral health can refer clients to any of the other four divisions located within the department for needed services.

¹⁴ The tribal community center offers programs that address the needs of each age group represented in the four hills logo—infancy, youth, adulthood and old age. A range of health, community and social services are offered through the center.

¹⁵ This includes cases within the following divisions: the Division of Social and Elderly Services, the Division of Behavioral Health, the Division of Family Financial Emergency Assistance, and the Division of Food Distribution Services.

The Navajo Nation realigned their social services administration so that intake and assessment now occurs centrally through a specialized, multi-disciplinary intake worker within each of the tribe's six service regions. Once assessed, families are referred to needed services or additional assessments for more specialized services. The goal of the "realignment initiative" is to standardize initial assessments, and specialize workers, with the aim of improving the referral process so that families can receive appropriate services within a timely manner.

However, within this system, the tribe created separate protocols for abuse/neglect cases. Aware that these families often need immediate access to services and possibly placement, these cases are assigned to child protective services, rather than the multi-disciplinary worker. An initial screen is conducted to determine if referral to an investigative, or multi-disciplinary worker, is needed. Investigations are prioritized for completion based on perceived risk to the child. Referrals to the tribe's family preservation program are reserved for those families that have undergone an investigation in order to provide intensive services to those families at the highest risk.

c. Processes for Cross-referring Clients between Programs

Several tribal programs realized the needs of children and families could be better-met if they coordinated processes for cross-referring clients with other tribal programs or resources. These varied from utilizing tribal elders to augment formal service delivery to establishing referral mechanisms between programs.

Tribal elders play an important role in the life of tribal members by perpetuating a tribe's tradition and culture. Many tribes found ways to use them in concert with social services. Examples include the following:

- The Menominee Tribe's mental health unit makes referrals to female tribal elders who perform traditional healing ceremonies (e.g., for young women who have been sexually abused). A traditional male healer also visits the Menominee reservation on request to provide services to individuals and families.
- The Kiowa Tribe's Child and Family Services (CFS) program educates parents about creating a safe and healthy home environment for children. The CFS program contracts with a female tribal elder to provide home-based follow-up services to families that have received counseling services and/or had children reunified. Depending on the family's needs, the elder will teach the family about Kiowa child-rearing practices, keeping budgets, and housekeeping. Six in-home sessions are provided over a period of four weeks.

Tribes also established processes for referring clients between programs. Some of these also had a traditional focus:

- Administrators of the Menominee Tribe's Family Preservation and Support (FPS) program approached several tribal programs to establish referral mechanisms between programs. As a result, youth enrolled in the FPS program are also enrolled in a "Culture Camp," administered by the tribe's historic preservation department, which immerses youth in the culture and traditions of the Menominee. Additionally, clients of the FPS

program can access services within the tribe's substance abuse treatment center, when needed. In most cases, only the youth are referred for services. In other cases, the youth and parent are referred together.

- The Kiowa Tribe's CFS program, a parent education program, engages in cross-referrals with two other tribal programs—Head Start and child care. Through an agreement worked out within the tribe, the Head Start program can meet a number of its obligations by referring parents it identifies as needing specialized assistance in parenting to the CFS program. Additionally, the Head Start program can refer families needing concrete financial assistance to help meet basic needs, including those needing assistance with accessing medical exams and immunizations. In exchange for assisting the tribe's Head Start program, the CFS program is allowed to refer families to the tribe's child care program.
- The Omaha Tribe's Strengthening Family Partnerships program accesses services through a number of tribal programs, including community and health services through the three other tribal organizations—the Four Hills of Life Wellness Center, a guidance and development center and an alcohol treatment center. Together, these programs form part of a service continuum structured around the family preservation program to address the needs of tribal families, through preventive health services, substance abuse prevention and treatment, and mental health interventions. Child welfare services are also part of this service continuum.
- Both the Pueblo of Isleta and the Quinault Indian Nation established interagency agreements to cross-refer clients between tribal schools, health centers, tribal TANF programs and child protective services. In particular, the Quinault Nation's interagency agreement with the school has allowed Head Start to utilize a portion of the school's state funding for program support.

d. Outreach Workers within Tribes

In addition to collaborating with other tribal agencies, at least one tribe also found it necessary to coordinate service delivery with semi-independent villages and clans in order to draw families into needed services. Most members of the Hopi Tribe residing on the reservation live in or near 12 villages located on three mesas. All villages have a high degree of political autonomy. For instance, village leaders can assume jurisdiction over cases involving domestic violence, child abuse/neglect and child placement and adoption. Although this autonomy results from a strong clan tradition that often provides important sources of support to families, this autonomy could also complicate social services delivery. Specifically, program administrators noted that Hopi families were often reluctant to seek assistance outside their clan. Seeking assistance outside the village was often implicitly, or even explicitly, discouraged.

To help bring families to needed services, the Hopi Tribe used their PSSF funding for a parent aide position. The parent aide (herself a former client of the child welfare system) was trained in providing in-home parent education, a relatively non-threatening—but highly-needed—service. Once she became trusted by the family and village, she could help identify families in need of additional social services, and transport them to services, if necessary.

However, administrators experienced unanticipated barriers following implementation. The parent aide noted that reaching out to families and villages was a challenging endeavor that

required skill and a sizeable investment of time and energy. As a result, she was primarily utilized by other social services staff for transporting foster care children and parents to health and visitation appointments. Supervisors realized the parent aide needed additional support and training in order to ensure that she was used as intended.

3. *How do tribes collaborate with each other?*

Smaller tribes are often at a particular disadvantage, lacking both the funding and expertise to develop an array of child welfare services. However, tribes and villages in two of the case study sites (Alaska and Southern California), found that by collaborating and pooling some or all of their child welfare funding, services could be provided and shared among them as collectively needed.

Formally incorporated in 1962, Tanana Chiefs Conference, Inc. (TCC) is a non-profit tribal consortium that provides health and community services to 43 Athabascan (native Alaskan) tribal governments located in Interior Alaska. The TCC service area includes 236,000 square miles or 39 percent of the State of Alaska. Through TCC, small, rural, isolated tribal villages collectively form an administrative structure to deliver health and community services for more than 10,000 Alaska Natives. Each tribal village designates a representative to the TCC Board of Directors. To fund services, member villages and tribes pool their title II ICWA and Family Violence Act funding, in addition to TANF and PSSF funding.

Due to the remoteness of villages in the TCC service area, capacity building at the village level is extremely important. Most villages are at least one or more days travel from TCC's administrative headquarters, and during the winter months, many are completely isolated. In an effort to build capacity at the village level, TCC provides bi-annual, weeklong training in Fairbanks for tribal caseworkers located in individual villages. A total of 600 full- and part-time staff members are employed by TCC, of which two-thirds are located at the sub-regional or village level. PSSF funds are used to support the salaries of one centrally located protective services worker and an administrative assistant who conduct week-long training of village caseworkers on a bi-annual basis, and provide ongoing technical assistance. Training is provided on topics such as permanency planning, family reunification, case management, and case plans and visitation.

Eighteen tribes located in San Bernardino, San Diego and Riverside counties provide a second example. On a contract basis, they receive services through Indian Child and Family Services (ICFS), a non-profit, community-based social services organization located in Temecula, California. ICFS was founded in 1980, when three tribes pooled their ICWA funding to provide training for county child welfare staff and legal representation for tribal children in state custody.¹⁶ Participating tribes found they had more influence on these issues on a collective basis. In addition to ICWA services, ICFS now provides foster care and adoption placement to several tribes and county child welfare agencies serving Indian children. ICFS also provides family preservation services on a contract basis.

¹⁶ Due to their small size and because California is a 280 state, tribes must rely on county child welfare agencies and the state for child welfare and social services. As a result, ICWA services and training are important to ensure that Indian children's rights are protected.

In both Alaska and Southern California, tribal consortia are used to deliver TANF services as well. TCC administers a TANF program for member villages and the Torres Martinez Tribe administers a TANF program for its members, as well as members of seven other tribes.

4. How do tribes collaborate with external entities?

As noted earlier, tribes' reliance on externally provided services generally necessitates ongoing interaction with county child welfare agencies and state and local courts. Although all sites had established protocols for determining jurisdiction over child welfare cases (generally determined by where the family lived and where the alleged abuse/neglect incident occurred (e.g., on or off-reservation), and the case goal (e.g., reunification vs. adoption), examples of formalized collaborative efforts between tribes and external entities were relatively few among the case study sites. As explained earlier, the barriers to developing formal collaborative efforts between tribes and external entities are considerable.

Nevertheless, a few examples of promising practices in this area were provided. Tribes involved external entities within collaborative teams and jointly investigated allegations of child abuse/neglect involving tribal families with county child welfare agency staff. Within select sites, we found examples of tribes out-stationing staff in other agencies, and states and localities agreeing to designate liaisons that could serve as a bridge between tribes and child welfare agencies. Finally, some tribes entered into intergovernmental agreements with states, allowing them to access this important source of funding and directly administer title IV-E-funded foster care programs.

a. Collaborative Teams

A number of tribes expanded the membership of their multi-disciplinary teams to include external entities. One example is provided by the Menominee Tribe's child protection team. This multi-disciplinary team is comprised of personnel from both county and tribal agencies involved with child protection matters (i.e., tribal police, an ICWA social worker, a nurse from the tribal clinic, the Menominee County sheriff's office, and the program manager of the county child protective services unit). The team also includes representatives from the Federal Bureau of Investigation and the U.S. Attorney General's Office.

The team meets on a monthly basis to staff cases, examine issues, make recommendations for system changes, and provide support for community efforts. Recent accomplishments include: (1) providing a two-day training on forensic interviewing for 38 participants from various Menominee tribal and county agencies; (2) developing a protocol for use in sexual assault exams for individuals over 12 years of age; (3) developing an informal notification system to inform school administrators of convicted sexual offenders in the community; and (4) conducting a community awareness campaign to address the high rate of sexually active teens and the increasing incidence of sexually-transmitted diseases.

The site also provided an example of a more broadly based tribal/county/private sector alliance. The Menominee Collaborative Council, established in 1999 to create partnerships that address community needs, is composed of a variety of tribal and county agencies. The Council meets once a month and has five workgroups (education, health, family preservation, social services, and crime/justice). The twenty members of the council include: the tribal social

services, housing and recreation departments; the tribal schools and Head Start program; the tribal police and courts; the College of the Menominee Nation and the NAES College¹⁷; the Menominee County human services and police departments; and the local Boys and Girls Club. In order to fund needed services, the council includes representatives from those overseeing the tribe's revenues derived from its casino, bingo, hotel and other economic development enterprises. Stakeholders note that as a result of the Collaborative Council, lines of communication between those serving tribal children and families have been strengthened and additionally resources have been accessed.

One concrete example of the Collaborative Council's efforts is the creation of a tribal truancy court. Based on the concern that too many tribal youth were routinely not attending school, the tribe made repeat truancy a violation of the tribal ordinance governing compulsory school attendance. These cases were heard by a newly-established tribal truancy court, held once per week in the evening. The court utilized a number of interventions designed to improve school attendance, including participation in the PSSF-funded Youth Advocacy Program. Typically, the court offered truant youth a choice of paying a fine or attending the program, through which youth (and their families) were rewarded for engaging in case management services.

A second example of the inclusion of external entities in a collaborative team was provided by the Southern Plains Child Protection Team (CPT), of which the Kiowa Tribe is a member. Members of the CPT include the BIA regional child welfare/child protection specialist; an Indian Health Service representative; and a child abuse/neglect investigator from the Caddo County Department of Human Services. Members from other tribes include child welfare specialists from the Apache, Caddo, Comanche, Delaware, Ft. Sill Apache, and Wichita tribes. The coordinator of the Kiowa Tribe's child welfare services chairs the team.

The CPT meets monthly and serves many purposes: (1) to provide outreach and educational services to the community; (2) to engage in fundraising efforts; and (3) to staff cases, if needed, and make recommendations for services. All tribes represented on the CPT have separate title IV-E agreements with the state of Oklahoma. Therefore, through this collaboration, tribes share resources and information on collaborating with states as they administer their tribal foster care programs. Additionally, the CPT provides a forum for discussing externally-provided services and ICWA concerns for children with varied tribal heritage. Finally, the CPT coordinates ICWA training for new county and state child welfare workers.

The Pueblo of Isleta is part of an innovative consortium to promote agreement and understanding between tribal and state courts. Funded through the federal Court Improvement Program (CIP),¹⁸ the consortium is composed of six tribal judges (from different tribes) and six

¹⁷ The Native American Educational Services (NAES) College is an independent, Native-owned and controlled college (as a private institution, it is not tribally-chartered and therefore does not receive a federal appropriation). Established in 1974 in Chicago, the college offers a Bachelor's degree program in Public Policy, with an emphasis on tribal knowledge, community service, community development, and leadership. In 1989, a branch campus was established on the Menominee Reservation.

¹⁸ The Court Improvement Program (CIP) was established by the Omnibus Reconciliation Act of 1993 (PL 103-66) to help state courts improve their processing of child welfare cases. By 2001, all 50 states, Puerto Rico and the District of Columbia were participating in the funding program. Each year, the Children's Bureau, HHS makes available over \$10 million to state courts through a formula grant

state judges that hear these tribes' child welfare cases. Meetings rotate quarterly between the reservations, bringing state judges onto the reservation so that they can observe tribal court processes and meet with staff. In addition to providing tribes with a forum to give guidance to state judges on matters related to ICWA, stakeholders note that the consortium has been very successful in opening up communication between tribal and state courts. As a result of increased mutual understanding and respect, stakeholders noted tribal rulings have been upheld and enforced in state courts.

b. Joint Investigation

As noted earlier, ICWA mandates that tribes receive notification when a child of tribal heritage is placed in state protective custody. However, sites noted that it sometimes takes a substantial period of time for Indian heritage to be determined and the correct tribe to be notified. By this time, the child has often been placed for some time in a group home or with foster parents that have limited knowledge of providing culturally-appropriate services. Upon being notified, the tribe's ICWA worker must often "catch up" with the case, becoming familiar with the legal processes that occurred and the child's service needs, including whether or not these were appropriately determined.

To address these placement issues prior to their occurrence, a few select tribes and localities agreed to reach beyond the requirements of the ICWA provisions, and jointly investigate cases of suspected abuse/neglect involving families appearing to have Indian heritage. The Kiowa Tribe provides one example. An Indian child welfare worker from the tribe accompanies the county child worker on investigations. Likewise, the tribal child welfare worker may co-investigate cases falling under the purview of the BIA Southern Plains Regional Office.

Another example was provided by the St. Regis Mohawk Tribe. Although the county has primary jurisdiction for investigating cases of abuse/neglect that occur both on and off the reservation, the Mohawk Tribe successfully negotiated an agreement that mandates the county investigator be accompanied by a tribal social services worker whenever an investigation of abuse/neglect is conducted on the reservation.

c. Tribal Liaisons

Tribal liaisons, staff positions within state agencies that function as intermediaries between the state and tribes, emerged as a key position for facilitating collaboration. Tribal liaisons can help address concerns arising from ICWA as well as cultural differences with respect to the provision of child welfare services and case management decisions. Among the study sites, we found pronounced variation in the state (and county) designation of these positions. We also found variation on the extent to which tribal stakeholders valued the efficacy of these positions. Within some sites, the responsibilities associated with these positions were formalized, as were protocols for engaging liaisons in mediation or planning activities. In other sites, roles and responsibilities were decided more informally. Examples noted as positive by both tribal and county/state stakeholders included the following.

program. CIP was established as a flexible source of funding to undertake broad-based, comprehensive systemic reform of courts and legal processes.

For historical reasons, the primary trust responsibility for the St. Regis Mohawk Tribe has developed between the tribe and the State of New York, rather than between the tribe and the federal government. At the time when reservation lands were defined, stakeholders noted that the state was viewed by the tribe as a more viable economic and political entity. As a result, land claims and treaties were developed between the tribe and the state. Today, this extends into the funding of social and child welfare services. To facilitate this relationship, the state defined three Native American Affairs Specialists (NAAS), who are to advocate on behalf of the nine federally recognized tribes within the state. Each NAAS is responsible for a particular service area (health, education and welfare—including child welfare). The NAAS responsible for overseeing health services is located within the state's office of children and family services, which oversees the provision of social services throughout New York State.

The primary duties of this NAAS include arranging periodic meetings (listening circles) among tribal leaders to determine tribal needs. There were three such meetings in 2002, to which seven of the nine tribes sent representatives. The NAAS also is responsible for scheduling ICWA training for frontline workers (held four times per year). Additionally, the NAAS has been instrumental in developing the Intergovernmental agreement between New York State and the St. Regis Mohawk Tribe, the only tribe in the state that has such an agreement.

A second example was provided by the Southern California study site. Administrators in Riverside County informed us that a few years prior to the time in which the site was visited for this study, the agency realized it needed to improve its focus on meeting ICWA requirements. Increasingly, tribes were successfully bringing legal challenges against agency and court decisions made on behalf of tribal children. In a number of cases, the county was found to have provided insufficient notice to tribes of their intent to terminate parental rights. Additionally, the provision of reunification services was found to be inadequate. As a result, some cases were successfully overturned back to the date of removal and Indian children were removed from adoptive homes and returned to tribes.¹⁹

As a result, the county made several important changes. Certain agency workers were specially trained in ICWA requirements and providing services to tribal children and families. Now, cases involving Indian children are assigned to them. Eventually a specialized unit was formed supervised by a person of Indian heritage who became an important liaison between the county agency, courts, tribes and public non-profit child welfare service providers. To support this effort, one such non-profit provider, Indian Child and Family Services, held a two-day training in ICWA for county staff and judges. The training was held at the headquarters of one of the local tribes, rather than the county office.

d. Out-stationing and Jointly Funding Staff

Through the project's technical work group, we heard of tribes who out-stationed ICWA-funded tribal staff in county child welfare service agencies on a full- or part-time basis.²⁰ The

¹⁹ As a PL 280 state, California tribes are primarily reliant on externally provided child welfare services. As a result, BIA does not make funding for tribal courts available to tribes. County and state court systems provide oversight of all child welfare cases.

²⁰ Although not a site for this study, the Cook Inlet Tribal Council in Alaska reportedly funds and staffs a tribal representative within the child welfare agency.

goal of these tribes was to create an on-site tribal presence who could serve as a resource to county staff concerning ICWA requirements and culturally-appropriate service delivery. Although many of the tribes visited for this study provide joint case management with county workers for Indian children in state custody, none out-stationed tribal staff in the manner described above.

However, the Omaha Tribe did provide an innovative example of helping to fund an off-site staff position for a different, but closely related, reason. Concerned that tribal children in state custody were not receiving culturally-appropriate services, the Omaha recently entered into a collaborative agreement with the national organization Girls and Boys Town to establish two residential homes for tribal children (one for girls and one for boys) located in the City of Omaha. Each home can house and serve 12 children.

As part of the agreement, both the tribe and Girls and Boys Town are jointly funding a liaison who works closely with child welfare agency staff, foster parents, and children and families. The liaison is responsible for facilitating needed meetings, assessments, training and service delivery. For instance, the liaison will train parents on the Girls and Boys Town parenting model but will also be responsible for incorporating Omaha family preservation concepts and traditions within the curricula. The liaison will be housed in a neutral setting, with staff of a local guidance and development center.

e. Title IV-E Intergovernmental Agreements

As noted earlier, the only method through which tribes can access federal title IV-E funding to administer tribal foster care programs is by establishing intergovernmental agreements with states. A number of states have elected to enter into such agreements with tribes. As of July 2001, 75 such agreements were in place in 15 states, including 5 of the 12 study sites.²¹ However, a recent study found that the terms of these agreements varied widely:

- No “standard” for IV-E tribal/state agreements has been established. The agreements reflect the fact that they are individually negotiated.
- Generally, state governments assume responsibility for determining title IV-E eligibility and making foster care maintenance payments. Tribes are responsible for providing case management and services.
- Training for tribal workers and foster/adoptive parents was not a major focus, although funding is available for this purpose.
- The agreements tend to perpetuate a (state) government-to-contractor relationship rather than a government-to-government relationship.

²¹ The following states have established title IV-E agreements with tribes: Alaska, Arizona, Colorado, Kansas, Michigan, Montana, Nebraska, New Mexico, New York, North Dakota, Oklahoma, Oregon, South Dakota, Utah, and Wisconsin.

The study also found that these agreements represented opportunities for tribes and states to work together to achieve mutual benefits for children.²²

Case study sites with such agreements noted that it is important that roles and responsibilities for both governmental entities be clearly specified, such as which party determines eligibility or certifies foster homes. Stakeholders noted that the best agreements build upon mutual child welfare concerns and are facilitated by having a tribal liaison at the state or county level to broker relationships. Among the case study sites both the Omaha and Kiowa Tribes appeared to have agreements with clearly established roles and terms.

The Kiowa Tribe negotiated a title IV-E agreement with the State of Oklahoma. Among other requirements, the terms of the agreement address placement guidelines and information exchange for Kiowa children in state or tribal custody. Through this agreement, the tribe recruits, certifies, licenses, and monitors its own foster homes. The tribe also conducts home studies, national criminal record checks, and searches for prospective foster families. The tribe provides training to foster parents, makes placements, and monitors the foster care placements.

The Omaha Tribe has a title IV-E agreement with the State of Nebraska. Under the agreement, the State provides: (1) IV-E eligibility determination; (2) IV-E foster care maintenance payments; (3) foster parent training; and (4) training of tribal social workers. Guardianship payments for kin care are provided through the state's TANF program. The tribe is responsible for the following: (1) providing maintenance payments for non-IV-E eligible foster care placements; (2) case management and case plan development; (3) case reviews and permanency planning; (4) court hearings; (5) foster home licensing studies and adoption studies; (6) legal proceedings for adoption; (7) criminal records checks for adoptive parents; (8) child protective services checks for foster/adoptive parents; and (9) conducting child abuse and neglect investigations. The Omaha Tribe also has an agreement with the State of Nebraska to provide Independent Living Services for tribal youth.

D. Implications

As presented in this paper, it was evident sites varied widely with respect to developing formalized collaborative relationships. All stakeholders who participated in successful efforts noted the importance and value of collaboration. For instance, internal tribal service and assessment coordination can help ensure that those most in need are prioritized for scarce child welfare services, and receive them in a timely manner. By coordinating with other tribes, smaller tribes can jointly fund culturally-appropriate child welfare services they could not afford to develop and staff on their own. And by working together, tribes and states can help improve the consistency with which ICWA requirements are met—something that can prove to be mutually beneficial for both tribes and states. It was apparent that tribes can only overcome the deficit model with which external agencies can approach Indian children and families by developing collaborative relationships with child welfare agency staff. In turn, agency staff can become more knowledgeable of tribes' natural strengths with respect to nurturing children.

Although promising and innovative examples of collaboration were provided by the case study sites, it was also discouraging that most sites were only able to make limited progress in

²² Brown, Eddie F., Whitaker, L.S., Clifford, C.A., Limb, G.E., and Munoz, R., Tribal/State Title IV-E Intergovernmental Agreements: Facilitating Tribal Access to Federal Resources. Pg. 7. Casey Family Programs, Seattle, WA. 2000.

this regard. There appear to be several reasons for this. Contextually, it is important to understand that this finding is not limited to tribes. As the study of state PSSF implementation conducted by James Bell Associates, Inc. found, successful collaboration not only takes work, it requires the active guidance of program administrators along with the concrete dedication of staff time and resources. Generally, these are in short supply in every child welfare agency; however, they can be especially scarce among tribes where administrators have multiple duties, staff have multiple demands on their time and available resources are limited. In addition to these challenges, tribes and states often have considerable cultural and historical challenges to overcome.

Finally, there is some disagreement in Indian country on who exactly tribes should collaborate with, especially when it comes to accessing resources. Many stakeholders assert that the traditional federal trust responsibility developed between tribes and the federal government can actually be undermined as tribes and states work together. Although tribal social services directors noted that accessing state funding can improve tribal sovereignty, it can impact other traditional sources of federal funding. To the extent that a tribe successfully utilizes funding for services through states, the perceived need for continued BIA funding within the agency's priority allocation process may be lessened. As a result, incentives to tribes to increase resources for services are mixed. Stakeholders also expressed concern that BIA administered funding for Indian child welfare and social services will be cut as tribes gain access to other funding sources. As a result, the historical federal trust responsibility will be undermined.

These factors, and one other, complicate the efforts of those who strive to provide technical assistance in collaboration. One of the primary lessons that can be drawn from the case study sites is the extremely complicated jurisdictional and service provision processes that govern investigations, child placement and associated court processes. Moreover, these vary widely from tribe-to-tribe. As a result, it is difficult to develop protocols for collaboration that can be universally applied by tribes.

Yet despite this discouraging context, among the study sites there did appear to be a number of existing tools that tribes used to build and develop both internal and external collaborative efforts. As explained in this paper, one such tool is the multi-disciplinary teams established by the Indian Child Protection and Family Violence Prevention Act of 1990. Although the formal charge of these teams is to focus on coordinating service delivery for individual child protection cases, in order to address systemic concerns and resource allocation, a number of tribes either expanded the focus and/or membership of these teams, or developed parallel teams.

A second tool appeared to be the requirements established by ICWA. Although much has been written about the uneven application of the law by states and localities, it is also clear that a number of the study sites successfully utilized these requirements to leverage improvements in the delivery of child welfare services to tribal children and families. Many of these efforts involved collaborative efforts. In Southern California, tribes realized success by pooling their ICWA funding and combining their compliance efforts. In Oklahoma, the Kiowa coordinated their ICWA concerns and training efforts with other Southern Plains tribes through their child protection team. A number of tribes involved external entities in multi-disciplinary teams in order to jointly collaborate on ICWA requirements.

Two other tools for building collaboration discussed in this paper appeared promising in their application, but appeared to be less universally available. These are the designation of tribal liaisons and the development of intergovernmental agreements between tribes and states.

Among the study sites, social service administrators were aware of county or state tribal liaisons that served an intermediary role on either a formal, or less formal, basis. Clearly, this practice appeared to hold promise. In the sites where this resource was well-developed, lines of communication between tribes and external agencies appeared to be well-established. Within these sites, disagreements continued to emerge, but processes for addressing areas of concern appeared to be better-defined and a degree of mutual respect prevailed. Liaisons can mediate individual cases, thereby lessening the frequency of legal challenges. They can also coordinate ongoing ICWA training and serve as a resource for planning efforts involving tribes, states, counties and others.

Finally, it is apparent that tribes are increasingly collaborating with states on the development of intergovernmental agreements that allow tribes to administer foster care programs directly funded through title IV-E. To the extent that tribes can access funding and develop their own system of foster care placements, the state's responsibility for providing placement and services to Indian children and families while meeting ICWA requirements is lessened. However, a key concern expressed by staff of state and county child welfare agencies was that most tribes lacked the necessary infrastructure and capacity to successfully administer complex, large-scale programs. As a result, several study sites relied on states and counties to meet the more technical requirements associated with this funding source, including determining child eligibility and tracking payments.

Through the insights gained through on-site discussions, it was clear that service delivery models are still evolving in Indian country. Within the resources and expertise available to them, tribes sought to meet the needs of their children and families. However, attention needs to be focused on fostering collaborative efforts to improve services for tribal children and families.

Attachment

Technical Work Group

Implementation of Promoting Safe and Stable Families by American Indian Tribes

Implementation of Promoting Safe and Stable Families by American Indian Tribes Technical Work Group

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